

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

United States of America	:	Case No. 3:00CR781
v.	:	
Lawrence M. Richardson, Jr.,	:	<u>REPORT AND RECOMMENDATION</u>

This is a criminal case which was referred to the undersigned to conduct a hearing and file a report and recommendation regarding the pending supervised release violation (Docket No. 30). A hearing was held on February 7, 2006 and the magistrate submits the following report and recommendation.

BACKGROUND

On March 16, 2001, defendant was sentenced to a term of imprisonment of forty one months following conviction for bank robbery. Upon completion of his prison term, defendant's supervised release commenced on March 4, 2004 and was subsequently modified on September 27, 2005 to include Drug Aftercare. The violation report filed February 3, 2006 reports two alleged violations: failure to report for drug testing on January 19 and 27, 2006 and failure to report for drug counseling on February 02, 2006.

HEARING

At the preliminary hearing on February 7, 2006, the Court advised defendant of his rights of silence, to be represented by counsel and to have a probable cause hearing. After consulting with counsel, defendant waived his right to the probable cause hearing and admitted the violation of his supervision. Defendant acknowledged on the record that his admission was knowingly and voluntarily made. The undersigned made a finding that defendant violated the conditions of his supervision. Based upon such finding, the magistrate recommends that defendant's supervision be modified to include a requirement that he serve four months in a Community Correction Center and that he be detained pending placement in such center. The magistrate further recommends that all other conditions of supervision be unchanged.

It is so ordered.

/s/ Vernelis K. Armstrong
U. S. Magistrate Judge